

Regular Session, 2009

HOUSE BILL NO. 882

BY REPRESENTATIVE GREENE

TAX/SALES & USE: Provides relative to exclusions from sales and use tax

1 AN ACT

2 To enact R.S. 47:301(16)(q), relative to sales and use tax; to provide with respect to the
3 definition of tangible personal property for purposes of sales and use tax levied by
4 the state and its political subdivisions; to exclude certain component parts of
5 immovable property; to provide with respect to legislative intent of Act No. 632 of
6 the 2008 Regular Session of the Legislature as relates to sales and use tax; to provide
7 for applicability and retroactivity; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 47:301(16)(q) is hereby enacted to read as follows:

10 §301. Definitions

11 * * *

12 (16)

13 * * *

14 (q) For purposes of sales and use taxes imposed by the state, any statewide
15 taxing authority, or any political subdivision, the term "tangible personal property"
16 shall not include any property that would have been considered immovable property
17 prior to the enactment on July 1, 2008, of Act No. 632 of the 2008 Regular Session
18 of the Legislature.

19 * * *

1 Section 2. Act No. 632 of the 2008 Regular Session of the Legislature was
2 enacted to define component parts of immovable property within the Louisiana Civil
3 Code. Such instrument was introduced, considered, and enacted in accordance with
4 the provisions of Article III, Section 2(A)(3) of the Constitution of Louisiana, which
5 provisions specifically prohibit legislating with regard to the enactment or increase
6 of a tax, tax exemptions, tax exclusions, tax deductions, or tax credits during a
7 regular session of the legislature in an even numbered year. The amendment of Civil
8 Code Articles 466 and 508 as contained in Act No. 632 of the 2008 Regular Session
9 of the Legislature shall not be interpreted or in any way construed to change the
10 characterization of component parts of immovable property for proposes of any tax
11 imposed by the state or any of its political subdivisions.

12 Section 3. This Act is declared to be remedial, curative, and procedural and therefore
13 is to be applied retroactively as well as prospectively, and shall apply to all transactions
14 occurring on or after the enactment on July 1, 2008, of Act No. 632 of the 2008 Regular
15 Session of the Legislature.

16 Section 4. This Act shall become effective upon signature by the governor or, if not
17 signed by the governor, upon expiration of the time for bills to become law without signature
18 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
19 vetoed by the governor and subsequently approved by the legislature, this Act shall become
20 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Greene

HB No. 882

Abstract: Excludes component parts of immovable property from the definition of tangible personal property for purposes of state and local sales and use tax.

Proposed law provides that for purposes of the sales and use taxes imposed by the state and its political subdivisions, the term "tangible personal property" shall not include any property that would have been considered immovable property prior to the enactment on July 1, 2008 of Act No. 632 of the 2008 R.S. of the Legislature.

Proposed law provides for legislative intent with respect to Act No. 632 of the 2008 R.S., which Act defined component parts of immovable property within the La. Civil Code.

Proposed law is declared to be remedial, curative, and procedural and shall apply retroactively as well as prospectively. It shall apply to all transactions occurring on or after the enactment on July 1, 2008, of Act No. 632 of the 2008 R.S. of the Legislature.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 47:301(16)(q))